

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AL-HARETH AL-BUSTANI,

Plaintiff,

v.

SEAN B. ALGER, et al.,

Defendants.

CASE NO. C22-5238JLR

ORDER

Before the court is Plaintiff Al-Hareth Al-Bustani's response to the court's June 28, 2024 order to show cause. (OSC Resp. (Dkt. # 157); *see also* 7/1/24 Order (Dkt. # 156) at 27.) The court ORDERS as follows:

1. The court DISCHARGES its June 28, 2024 order to show cause. (7/1/24 Order at 27.)

2. Mr. Al-Bustani's claims against Defendants Louis Clyde Holder, Sean B. Alger, and S.B. Alger Studio Productions (together with Mr. Alger, the "Alger Defendants") for (1) violations of the Washington Personality Rights Act, and

(2) invasion of privacy (false light), are DISMISSED with prejudice. (*See* 7/1/24 Order at 27 (ordering Mr. Al-Bustani to show cause why the court should not dismiss these claims with prejudice); OSC Resp. at 2 (responding that Mr. Al-Bustani “requests and consents” to the dismissal); *see also* SAC (Dkt. # 94) at 18-19.)

3. Having disposed of all outstanding claims in this matter, the court VACATES all remaining pre-trial deadlines and the September 23, 2024 trial date. (*See generally* Sched. Order (Dkt. # 137).)

4. Mr. Al-Bustani shall file his motion for reasonable attorney’s fees and costs by no later than **July 22, 2024**, and note the motion in accordance with Local Civil Rule 7(d)(3). Local Rules W.D. Wash. LCR 7(d)(3) (governing 21-day motions). (*See* 7/1/24 Order at 25-27 (preliminarily granting Mr. Al-Bustani’s request for attorney’s fees and costs and advising that the court would “direct Mr. Al-Bustani to file his [fee] motion . . . after the court disposes of his outstanding claims”).

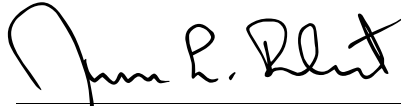
5. The court notes it has previously awarded Mr. Al-Bustani certain attorney’s fees and costs as a sanction for the Alger Defendants’ violations of the court’s discovery orders. (*See* 9/22/23 Min. Entry (Dkt. # 110); 10/25/23 Order (Dkt. # 115) at 8-9; *see also* 2/7/24 Order (Dkt. # 145) at 3 n.1.) Mr. Al-Bustani must ensure his request for reasonable attorney’s fees and costs does not reflect an impermissible double recovery.

6. In addition, the court notes it has granted default judgment in Mr. Al-Bustani’s favor against multiple defendants, some of whom are separately liable from one another. (*See* 7/1/24 Order at 22 (ordering that Defendant James Maiden and Mr. Holder shall each be individually liable for \$675,000, whereas the Alger Defendants shall

1 be jointly and severally liable for \$675,000).) The court intends to allocate attorney's and
2 costs among the defaulted defendants in "the most fair and sensible" manner possible.
3 *Keating v. Jastremski*, No. 3:15-cv-57-L-AGS, 2021 WL 1195868, at *8 (S.D. Cal. Mar.
4 30, 2021) (quoting *Grendel's Den, Inc. v. Larkin*, 749 F.2d 945, 960 (1st Cir. 1984)).
5 Accordingly, Mr. Al-Bustani shall fashion his request for attorney's fees and costs in a
6 manner that fairly reflects the amount of time attributable to his claims against Mr.
7 Maiden, Mr. Holder, and the Alger Defendants.

8 7. The court will enter final judgment after determining the amount of Mr.
9 Al-Bustani's fee award.

10 Dated this 8th day of July, 2024.

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12 JAMES L. ROBART
13 United States District Judge
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